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**Minutes**  
**Forensic Science Board Meeting**  
**Wednesday, July 13, 2022**  
**Department of Forensic Science, Central Laboratory, Classrooms 1 and 2**

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**Board Members Present**

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Megan L. Clark, Commonwealth's Attorney, Prince Edward County  
Chief Maggie A. DeBoard, Chief of Police, Herndon Police Department, *Chair*  
William T. Gormley, M.D., Chief Medical Examiner  
Karl R. Hade, Executive Secretary, Supreme Court of Virginia  
Kristen J. Howard, Designee of the Chair of the Virginia Crime Commission, Senator John S. Edwards  
Michael HuYoung, Esquire  
Caroline D. Juran, Executive Director, Board of Pharmacy, *Vice-Chair*  
Richard P. Meyers, Scientific Advisory Committee Member  
Jackson Miller, Chairman, Department of Criminal Justice Services  
Lieutenant Colonel Tracy S. Russillo, Designee of Colonel Gary T. Settle, Superintendent, Virginia State Police  
Delegate Wren Williams, Designee of Delegate Robert Bell, Chair of the House Committee for Courts of Justice  
Shane Wyatt, Designee of Denise M. Toney, Ph.D., Director of the Division of Consolidated Laboratory Services

**Board Members Absent**

Senator John S. Edwards, Chairman of the Senate Committee for Courts of Justice  
George C. Maha, Ph.D., Scientific Advisory Committee Member  
Nicole Wittmann, Designee of Attorney General Jason S. Miyares

**Legal Counsel for the Forensic Science Board**

Michelle Welch, Senior Assistant Attorney General

**Staff Members Present**

David A. Barron, Ph.D., Deputy Director  
Mason Byrd, Chief Deputy Director  
Sabrina S. Cillessen, Physical Evidence Program Manager  
B. Lee Collins, III, State CODIS Administrator  
Leslie H. Ellis, Human Resources Director  
James W. Hutchings, Ph.D., Toxicology Program Manager  
Linda C. Jackson, Director  
Amy C. Jenkins, Department Counsel  
Brad Jenkins, Forensic Biology Program Manager  
M. Scott Maye, Central Laboratory Director  
Alka B. Lohmann, Director of Technical Services  
Jessica B. Norton, Legal Assistant  
Elise Stroble, Grants and Administration Program Manager

47 **Call to Order**

48 Chief Maggie DeBoard, Chair of the Forensic Scientific Board (“Board” or “FSB”) called the  
49 meeting to order at 9:33 a.m. Chief Deputy Director Mason Byrd advised Chief DeBoard that a  
50 majority of the FSB members were present, and Chief DeBoard confirmed there was a quorum  
51 present. Chief DeBoard asked the members of the Board, and the Department’s staff members to  
52 introduce themselves.

53  
54 **Adoption of Agenda**

55 Chief DeBoard advised that the first order of business was the adoption of the draft agenda for the  
56 meeting, which was previously shared with the Board members. She asked if there were any  
57 changes to the draft agenda. Being none, she asked for a motion to approve the draft agenda. Mr.  
58 Miller made a motion to adopt the agenda, which was seconded by Ms. Clark and adopted by  
59 unanimous vote of the Board.

60  
61 **Approval of Draft Minutes of the April, 2022 Board Meeting**

62 Chief DeBoard asked if there were any proposed changes to the draft minutes from the April 21,  
63 2022 meeting. Being none, she asked for a motion to approve the draft minutes. Ms. Juran made  
64 a motion to approve the April 21, 2022 meeting minutes, which was seconded by Mr. Meyers, and  
65 passed by unanimous vote of the Board.

66  
67 **FSB Chair’s Report**

68 Chief DeBoard did not have a report.

69  
70 **DFS Director’s Report**

71 Chief DeBoard called on Director Jackson to provide her report to the Committee.

72  
73 **Department Updates**

74 Regarding the Central Laboratory capital project, Director Jackson indicated that the construction  
75 permit has been issued by the Division of Engineering and Buildings (DEB). Groundbreaking/site  
76 preparation will take place once additional funding has been secured, with the project completion  
77 anticipated for late 2024 or early 2025.

78  
79 The Department’s current ANSI National Accreditation Board (ANAB) accreditation expires on  
80 September 30, 2022, and a full assessment took place the week of June 6, 2022. Director Jackson  
81 reminded the Board members that the Department’s updated certificates and scopes of  
82 accreditation will be available on the DFS website, once the full re-accreditation/adjudication  
83 process is completed.

84  
85 Director Jackson discussed the graduation of the 106th session of the Forensic Science Academy  
86 on June 24, 2022, which was held in person with families and commanding officers in attendance.  
87 The Deputy Secretary of Public Safety and Homeland Security for Virginia, Maggie Cleary, was  
88 the keynote speaker. An additional Academy session is scheduled for later this year. Annual  
89 retraining has been scheduled for September 7 and 8, 2022 in Virginia Beach. There are two (2)  
90 Senior Trainer positions in recruitment. The position postings close on July 19, 2022.

91

92 Director Jackson provided updated information to the Board members on the Department's PERK  
93 Tracking System. The recent amendments to Virginia Code § 19.2-11.8 added additional language  
94 regarding a 10-year mandatory storage of Physical Evidence Recovery Kits (PERKs) that were  
95 exempt for mandatory submission under the PERK Act. An additional amendment to Virginia  
96 Code § 19.2-11.11 now requires law enforcement to provide victims with the PERK ID, Victim  
97 PIN and instructions for the Victim Portal. Additional resources were developed by DFS to help  
98 law enforcement comply with the updated legislation.

99  
100 The Department continues to recommend compounds to the Board of Pharmacy (BoP) for  
101 scheduling via the expedited regulatory process. DFS recommended five (5) compounds to be  
102 considered for expedited scheduling at the BoP's next meeting that will occur on September 6,  
103 2022.

104  
105 The Department has issued three (3) policy notices to agencies. The Notice Regarding DNA  
106 Workload was distributed to law enforcement agencies and Commonwealth's Attorneys offices  
107 on May 18, 2022. The Notice informed law enforcement that the turnaround times for DNA  
108 analysis in the Northern and Western Laboratories was currently longer than normal, and as a  
109 result, DFS was redistributing some of those cases to the Central and Eastern Laboratories.

110  
111 A DFS Notice regarding revised packaging requirements for submissions of powdered substances  
112 was distributed to all law enforcement agencies on June 7, 2022. Submissions now must be double  
113 bagged in clear plastic to minimize the risk of accidental exposure.

114  
115 The final DFS Policy Notice was issued on July 1, 2022 to all agencies served by DFS in response  
116 to the new budget language establishing two new criminal offenses for possession of marijuana in  
117 public. Possession of more than 4 ounces of marijuana in public is a Class 3 misdemeanor and a  
118 second or subsequent offense is now a Class 2 misdemeanor. As a result, DFS amended their  
119 submission guidelines for these new offenses.

120  
121 Director Jackson provided an update on Cannabis edibles. The Department can analyze for the  
122 presence of THC in edibles, but cannot offer a quantitative analysis of the THC. DFS is currently  
123 considering a method validation for quantitation of THC and exploring outsourcing as an interim  
124 option. A request for proposal (RFP) is currently in process.

125  
126 Pursuant to 6 VAC40-30 Regulations, the Department has received its first request to evaluate a  
127 mobile instrument. The Department sent out letters to all vendors of the chemical field tests  
128 indicating that all currently approved chemical field tests will be re-evaluated. Chief DeBoard  
129 inquired about the turnaround time of the evaluation of the mobile instruments. DFS is working  
130 to come up with a testing plan based on the vendor's evaluation request. The regulations indicate  
131 the evaluation will take at least 120 days from the submission of all the required materials by the  
132 vendor.

133 Department Counsel traveled to all laboratories and provided a legal update to all staff, to include  
134 recent case law, new legislation, and reminders on FOIA, records retention and *Giglio* disclosures.

135

136 The Department provided external training to outside agencies. DFS offered training on trace  
137 evidence at the Richmond Police Department and the Southwest Virginia Criminal Justice  
138 Training Academy. The Toxicology Program Manager provided an overview on the Breath  
139 Alcohol Testing Program to the Pre-Bench Judicial Orientation session for General District Court  
140 Judges.

141  
142 Workload Statistics

143 Director Jackson reviewed the current June Workload Statistics with the Committee. She shared  
144 statistics comparing case submissions for each discipline for the second quarter of calendar years  
145 2019, 2020, 2021 and 2022. While the 2022 Toxicology submissions seem to demonstrate a  
146 reduction, the submissions are artificially low due to the outsourcing of OCME cases. Director  
147 Jackson discussed the continued downward trend of Controlled Substances case submissions.  
148 While Firearms submissions appear to be trending down with the implementation of NIBIN  
149 systems at law enforcement agencies, DFS is receiving the more time-consuming firearms  
150 comparisons, which affect the case turnaround times. Last year, the Department moved four (4)  
151 Controlled Substance positions that were opened through attrition to the Firearms & Toolmarks  
152 Section. Forensic Biology (DNA) case submissions have increased since 2017, with the most  
153 significant increases being in the Northern and Western Laboratories. The last time the  
154 Department received new positions for the Forensic Biology Section was in 2016 when the PERK  
155 Act went into effect.

156  
157 Budget

158 Director Jackson provided information on the Department's Biennial FY2022 budget, showing a  
159 breakdown of the budget by service area and expense category. Director Jackson shared with the  
160 Board members four new budget items for FY23-FY24:

- 161  
162 • Five toxicology forensic scientist positions and equipment  
163 • Four additional toxicologist positions and supplies for a tetrahydrocannabinol (THC) data  
164 collection initiative  
165 • Support for a forensic trainer position  
166 • An increase in the non-general fund appropriation and maximum employment level

167  
168 Grants

169 Director Jackson provided the Board with an overview of four (4) grant applications that were  
170 pending or to be applied for that application and/or receipt of funds would require the approval of  
171 the Board.

172  
173 Director Jackson noted that the Board's Chair and Vice Chair had previously approved under the  
174 Board's Bylaws the application for two separate grants from the FY2022 Research and Evaluation  
175 for the Testing and Interpretation of Physical Evidence in Publicly Funded Forensic Laboratories  
176 grant from the National Institute of Justice. Chief DeBoard called for a motion for the Board to  
177 approve the acceptance of funds in the amount of \$327,409, which, if awarded, would be utilized  
178 for DNA research regarding the beta testing, validation and implementation of the Biomek® i5  
179 automated workstation for forensic biology casework sample processing. Ms. Clark made the  
180 motion, which was seconded by Dr. Gormley and passed by unanimous vote.

181

182 Chief DeBoard called for a motion for the Board to approve the acceptance of funds, if awarded,  
183 under the same grant program in the amount of \$141,921. These funds will be used for fire debris  
184 research related to fire debris interpretation using quantitative measures of chromatographic  
185 features in medium range ignitable liquids and the use of the graphical display to demonstrate data  
186 sufficiency. Dr. Gormley made the motion, which was seconded by Ms. Clark and passed by  
187 unanimous vote.

188  
189 Chief DeBoard called on the Board for approval of the application and acceptance of the FY 2022  
190 DNA Capacity Enhancement and Backlog Reduction grant (CEBR) if awarded. The Department  
191 will be seeking a total amount of \$1,890,845. Chief DeBoard called for a motion for the Board to  
192 approve the application and acceptance of the funds from the grant, if awarded. Del. Williams  
193 made the motion, which was seconded by Mr. HuYoung and passed by unanimous vote.

194  
195 The final grant considered by the Board involved an application submitted by the Department of  
196 Criminal Justice Services (DCJS) to the Bureau of Justice Assistance on behalf of DFS and the  
197 Office of the Chief Medical Examiner (OCME) for the FY 2022 Paul Coverdell Forensic Science  
198 Improvement Grant. DFS will utilize its portion of the funds, \$251,359, for training for personnel,  
199 improvement of electronic processes within the case examination and reporting work flows, and  
200 continued funding for the Laboratory Information Management System (LIMS) Customer  
201 Coordinator position. Chief DeBoard called for a motion for the Board to approve the receipt and  
202 acceptance of these funds, if awarded. Ms. Clark made the motion, which was seconded by Mr.  
203 Meyers and passed by unanimous vote.

#### 204 205 **DNA Data Bank Sample Tracking System**

206 Mason Byrd, Chief Deputy Director, provided a presentation overview on the new DNA Data  
207 Bank Sample Tracking system (DBSATS). An MOU with DOC and the State Compensation  
208 Board has been entered into for data sharing with CORIS. This is an internet based system and  
209 can be used by any device with internet access. Each agency has agreed to train their own staff  
210 who must watch a video prior to being granted credentials to utilize the system. This systems  
211 allows a name search, social security number search, SID search and/or DOC CORIS number, for  
212 those with access to that number. Dr. Gormley asked a question about this system not being in the  
213 Cloud, as the state systems are turning to Cloud storage. This system will be provided on one of  
214 VITA's servers, not in the cloud.

#### 215 216 **Old Business**

##### 217 218 **Proposed Amendments to 6VAC40-50**

219 Amy Jenkins, Department Counsel, provided an update on the proposed amendments to 6VAC40-  
220 50, the Regulations for the Approval of Marijuana Field Tests for Detection of Marijuana Plant  
221 Materials. This regulatory action is currently at the Attorney General's Office for review. Once  
222 that review is completed, it will be submitted via Virginia's Regulatory Town Hall for further  
223 executive branch review.

##### 224 225 **Proposed Amendments to 6VAC40-15**

226 Ms. Jenkins provided an update to the Fast-Track Parking Regulations (6VAC40-15). This  
227 regulatory action is also currently in review with the Office of the Attorney General. Once

228 approved, the regulations will be submitted for publication in the Virginia Register of Regulations  
229 and become final 30 days after publication

230

231 **New Business**

232

233 **Proposed Regulatory Amendments to 6VAC40-40**

234 Ms. Jenkins had prepared for the Board's consideration proposed amendments to 6VAC40-40, the  
235 Regulations for the Implementation of the Law Permitting DNA Analysis Upon Arrest for All  
236 Violent Felonies and Certain Burglaries. This action will be an exempt final action as the  
237 amendments are required to conform the regulations with Chapters 41 and 42 of the 2022 Acts of  
238 the Virginia General Assembly. Ms. Jenkins reviewed the amendments by section, noting that  
239 changes were needed to remove all references to LIDS and replace those referenced with the  
240 Department's new DNA Data Bank Sample Tracking System.

241

242 Chief DeBoard called for a motion to approve the proposed exempt final action. Mr. HuYoung  
243 made the motion, which was seconded by Ms. Juran and passed by unanimous vote.

244

245 **Case Discussion Regarding Inmate Letter**

246 Ms. Jenkins advised that an inmate letter had been received addressed to the Board. Because  
247 discussion of the inmate letter would necessarily include the discussion of the Department's  
248 criminal investigative file for the inmate's case, Chief DeBoard asked for a motion to close the  
249 meeting for the discussion. Ms. Clark moved that the Board go into a closed session pursuant to  
250 Virginia Code §2.2-3711(A)(35), which was seconded by Mr. HuYoung, and approved by  
251 unanimous vote of the Board. The members of the public and staff who were present were asked  
252 to leave the room and the Board meeting was closed at 10:34 a.m. The Board returned to an open  
253 meeting at 10:53 a.m., and the public and staff attendees returned to the room.

254

255 Chief DeBoard indicated that the Board members had discussed the letter and directed Ms. Jenkins  
256 to prepare correspondence to that individual. Upon return of the members of the public and the  
257 staff in attendance, the Chair asked that all of the Forensic Science Board members certify for the  
258 minutes that, to the best of each member's knowledge, only exempt information was discussed,  
259 and only matters identified in the motion were heard, considered and discussed. Ms. Norton asked  
260 each Board member individually if they so certified:

261

262 Ms. Clark – Yes

263 Chief DeBoard – Yes

264 Dr. Gormley – Yes

265 Mr. Hade – Yes

266 Ms. Howard – Yes

267 Mr. HuYoung – Yes

268 Ms. Juran – Yes

269 Mr. Meyers – Yes

270 Mr. Miller - Yes

271 Lt. Col. Russillo – Yes

272 Del. Williams – Yes

273 Mr. Wyatt - Yes

274

275 **Public Comment**

276 No public comment was provided.

277

278 **Confirm Future Meeting Dates**

279

280 Chief DeBoard confirmed the remainder of the Board's 2022 meeting dates:

281

- 282 • Wednesday, October 19, 2022 at 9:30 a.m.

283

284 **Adjournment**

285 Chief DeBoard called for a motion to adjourn. Ms. Clark made a motion to adjourn the meeting,  
286 which was seconded by Dr. Gormley, and passed unanimously by the Board. The meeting was  
287 adjourned at 10:57 a.m.